



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

**Date:** 5/24/2006

**GAIN Report Number:** E36086

## EU-25

### Food and Agricultural Import Regulations and Standards

#### European Parliament passes new EU rules on nutrition and health claims

2006

**Approved by:**

Norval E. Francis, Jr.  
U.S. Mission to the EU

**Prepared by:**

Hilde Brans

---

**Report Highlights:**

The new regulation will set EU-wide conditions for the use of nutrition claims such as "low fat" or "reduced sugar". Set thresholds must be met before such claims can be made. Nutrient profiles (appropriate ratios of salt, fat and sugar) will be developed and only foods meeting these profiles will be allowed to carry a claim. An EU-positive list of well-established health claims will be compiled. New health claims, disease reduction claims and claims referring to the health of children will have to go through an authorization procedure. Trademarks or brand names that can be interpreted as a claim but do not meet the requirements of the new regulation must be phased out and removed from the market within 15 years of the regulation's entry into force.

---

Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Brussels USEU [BE2]  
[E3]

## EUROPEAN PARLIAMENT PASSES NEW EU RULES ON NUTRITION AND HEALTH CLAIMS

In order to avoid the conciliation procedure, the European Commission, the European Parliament (EP) and the Council held trialogue meetings on the controversial nutrition and health claims proposal a week before the second-reading vote at the EP Plenary. ([GAIN report E36058](#) "Nutrition and Health Claims – Status of EU Proposal" explains the co-decision procedure under which this proposal has to be adopted.) At the Plenary session on May 16, the EP adopted the compromise that was agreed at the trialogue meetings. The compromise includes an amended version of "Article 4" on nutrient profiles and retains the authorization procedure for new health claims.

The Council is expected to give their political agreement in the coming weeks and formal adoption of the final text is expected this autumn. Signposting schemes are outside the scope of the proposed regulation and are dealt with at a national level. The proposal on nutrition and health claims is regarded as an important tool in the EU's strategy to fight obesity. The European Consumers' Organization stated in a press release that "the compromise agreed under pressure from the Members of Parliament (MEPs) is not too bad and is a lot better than some of the previous ideas of the EP". MEPs' comments on the compromise range from "very good" to "divorced from reality".

The proposed regulation applies to pre-packed food and drink products and will enter into force within 20 days of its publication in the Official Journal. Fresh fruits and vegetables, bread, cosmetics, medicine or pet food products are excluded from the scope of the regulation. The first provisions of the regulation will begin to apply 6 months from entry into force. Existing nutrition claims will be allowed during a transitional period of two years and existing health claims during a transitional period of three years. Trademarks or brand names that can be interpreted as a nutrition or health claim not meeting the requirements of the regulation must be phased out and removed from the market within 15 years. Claims referring to rates of weight loss as well as claims referring to recommendations of individual doctors will be banned.

### NUTRITION CLAIMS

The new regulation will set EU-wide conditions for the use of nutrition claims such as "low fat" or "reduced sugar". Set thresholds must be met before such claims can be made. In the compromise deal, article 4, which says that claims may only be used if a food meets a certain profile (the appropriate ratios of salt, fat and sugar), is reinstated. Nutrient profiles will be developed for food and drink products within 24 months of the regulation entering into force, based on the opinion of the European Food Safety Authority (EFSA). A nutrition claim will still be permitted if only one nutrient (salt, sugar or fat) exceeds the limit of the nutritional profile provided the high level of that particular nutrient is clearly marked on the label, close to and with the same prominence as the claim. For example, a yogurt can make a low-fat claim even if it has a high sugar content but only if the label clearly states "high in sugar". If two or more nutrients exceed the limit, no nutrition claim can be made.

### TRADEMARKS AND BRAND NAMES

Any trademark or brand name that can be interpreted as a nutrition or health claim but do not meet the requirements of the regulation, must be phased out and removed from the market within 15 years of the entry into force of the regulation. No new trademarks or brand names which imply nutritional or health benefits will be allowed unless the claims can be substantiated. Certain generic descriptors such as "digestives" or "aperitif" may apply for a derogation from this rule.

## **ALCOHOL**

Food and beverages containing more than 1.2% alcohol will not be allowed to make health or nutrition claims unless the claims refer to a reduction in alcohol or energy content (calories).

## **HEALTH CLAIMS**

Within three years of the regulation entering into force, the Commission will compile an EU positive list of well-established health claims such as “calcium is good for your bones”, based on member states’ lists of claims already approved at national level. Manufacturers who wish to introduce a product with a particular health claim would be able to simply consult the EU positive list in order to know the rules to be observed without having to go through the authorization process itself. Any claims submitted to the EU after the 3-year period will have to be examined by EFSA and approved by the Commission and member states through the Comitology procedure.

Disease reduction claims and claims referring to the health of children will require full authorization on a case-by-case basis, following the submission of a scientific dossier to EFSA. A simplified procedure has been agreed for health claims that are based on new scientific data. Under this simplified procedure, if EFSA’s opinion on the claim is positive, the Commission will take a decision after simple consultation of the member states. If EFSA gives a negative opinion, the application will go through the standard Comitology procedure, i.e. member state experts will vote on a Commission proposal in the Standing Committee on the Food Chain and Animal Health.

## **NUTRITION CLAIMS – DEFINITIONS**

### **LOW ENERGY**

A claim that a food is low in energy, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain more than 40kcal (170kJ)/100g for solids or more than 20kcal (80kJ)/100ml for liquids. For table-top sweeteners the limit of 4kcal (17kJ)/portion, with equivalent sweetening properties to 6g of sucrose (approximately 1 teaspoon of sucrose), applies.

### **ENERGY-REDUCED**

A claim that a food is energy-reduced, and any claim likely to have the same meaning for the consumer, may only be made where the energy value is reduced by at least 30%, with an indication of the characteristic(s) which make(s) the food reduced in its total energy value.

### **ENERGY-FREE**

A claim that a food is energy-free, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain more than 4kcal (17kJ)/100ml. For table-top sweeteners the limit of 0,4kcal (1,7kJ)/portion, with equivalent sweetening properties to 6g of sucrose (approximately 1 teaspoon of sucrose), applies.

### **LOW FAT**

A claim that a food is low in fat, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 3g of fat per 100g for solids or 1,5g of fat per 100ml for liquids (1,8g of fat per 100ml for semi-skimmed milk).

**FAT-FREE**

A claim that a food is fat-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0,5g of fat per 100g or 100ml. However, claims expressed as "X% fat-free" shall be prohibited.

**LOW SATURATED FAT**

A claim that a food is low in saturated fat, and any claim likely to have the same meaning for the consumer, may only be made if the sum of saturated fatty acids and trans-fatty acids in the product does not exceed 1,5g per 100g for solids or 0,75g/100ml for liquids and in either case the sum of saturated fatty acids and trans-fatty acids must not provide more than 10% of energy.

**SATURATED FAT-FREE**

A claim that a food does not contain saturated fat, and any claim likely to have the same meaning for the consumer, may only be made where the sum of saturated fat and trans-fatty acids does not exceed 0,1g of saturated fat per 100g or 100ml.

**LOW SUGARS**

A claim that a food is low in sugars, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 5g of sugars per 100g for solids or 2,5g of sugars per 100ml for liquids.

**SUGARS-FREE**

A claim that a food is sugars-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0,5g of sugars per 100g or 100ml.

**WITH NO ADDED SUGARS**

A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: "CONTAINS NATURALLY OCCURRING SUGARS".

**LOW SODIUM/SALT**

A claim that a food is low in sodium/salt, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0,12g of sodium, or the equivalent value for salt, per 100g or per 100ml. For waters, other than natural mineral waters falling within the scope of Directive 80/777/EEC, this value should not exceed 2mg of sodium per 100ml.

**VERY LOW SODIUM/SALT**

A claim that a food is very low in sodium/salt, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0,04g of sodium, or the equivalent value for salt, per 100g or per 100 ml. This claim shall not be used for natural mineral waters and other waters.

**SODIUM-FREE or SALT-FREE**

A claim that a food is sodium-free or salt-free, and any claim likely to have the same meaning for the consumer, may only be made where the product contains no more than 0,005g of sodium, or the equivalent value for salt, per 100g.

**SOURCE OF FIBRE**

A claim that a food is a source of fibre, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 3g of fibre per 100g or at least 1,5g of fibre per 100kcal.

**HIGH FIBRE**

A claim that a food is high in fibre, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least 6g of fibre per 100g or at least 3g of fibre per 100kcal.

**SOURCE OF PROTEIN**

A claim that a food is a source of protein, and any claim likely to have the same meaning for the consumer, may only be made where at least 12% of the energy value of the food is provided by protein.

**HIGH PROTEIN**

A claim that a food is high in protein, and any claim likely to have the same meaning for the consumer, may only be made where at least 20% of the energy value of the food is provided by protein.

**SOURCE OF [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]**

A claim that a food is a source of vitamins and/or minerals, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least a significant amount as defined in the Annex to Directive 90/496/EEC or an amount provided for by derogations granted according to Article 7 of Regulation (EC) No .../... of the European Parliament and of the Council of ... on the addition of vitamins and minerals and of certain other substances to foods.

**HIGH [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S]**

A claim that a food is high in vitamins and/or minerals, and any claim likely to have the same meaning for the consumer, may only be made where the product contains at least twice the value of "source of [NAME OF VITAMIN/S] and/or [NAME OF MINERAL/S]".

**CONTAINS [NAME OF THE NUTRIENT OR OTHER SUBSTANCE]**

A claim that a food contains a nutrient or another substance, for which specific conditions are not laid down in this Regulation, or any claim likely to have the same meaning for the consumer, may only be made where the product complies with all the applicable provisions of this Regulation, and in particular Article 5. For vitamins and minerals the conditions of the claim "source of" shall apply.

**INCREASED [NAME OF THE NUTRIENT]**

A claim stating that the content in one or more nutrients, other than vitamins and minerals, has been increased, and any claim likely to have the same meaning for the consumer, may only be made where the product meets the conditions for the claim "source of" and the increase in content is at least 30% compared to a similar product.

**REDUCED [NAME OF THE NUTRIENT]**

A claim stating that the content in one or more nutrients has been reduced, and any claim likely to have the same meaning for the consumer, may only be made where the reduction in content is at least 30% compared to a similar product, except for micronutrients where a 10% difference in the reference values as set in Directive 90/496/EEC shall be acceptable and for sodium, or the equivalent value for salt, where a 25% difference shall be acceptable.

**LIGHT/LITE**

A claim stating that a product is "light" or "lite", and any claim likely to have the same meaning for the consumer, shall follow the same conditions as those set for the term "reduced"; the claim shall also be accompanied by an indication of the characteristic(s) which make(s) the food "light" or "lite".

**NATURALLY/NATURAL**

Where a food naturally meets the condition(s) laid down in this Annex for the use of a nutritional claim, the term "naturally/ natural" may be used as a prefix to the claim.

**Visit our website:** our website <http://useu.usmission.gov/agri/> provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on labeling can be found at <http://useu.usmission.gov/agri/label.html>. E-mail: AgUSEUBrussels@usda.gov

**Related reports from USEU Brussels:**

Report Number	Title	Date Released
E36087	European Parliament passes new EU rules on fortified foods	5/24/2006
<a href="#">E36058</a>	Nutrition and Health Claims – Status of EU Proposal	4/7/2006
<a href="#">E35162</a>	Food & Agricultural Import Regulations & Standards (FAIRS)	8/18/2005
<a href="#">E36045</a>	Food Labeling Review	8/29/2003
These reports can be accessed through our website <a href="http://useu.usmission.gov/agri">http://useu.usmission.gov/agri</a> or through the FAS website <a href="http://www.fas.usda.gov/scriptsw/attacherep/default.asp">http://www.fas.usda.gov/scriptsw/attacherep/default.asp</a> .		